

REMARKS

Claims 1-10, 12-17 and 28-36 are pending in this application.

Claims 1-10, 12-17 and 28-36 are rejected

The present office action, dated 13 April 2007, withdraws the allowability of the claims and now rejects the claims under 35 USC §102(e) as being anticipated by Hersch et al. Patent Application Publication 2005/0083540.

The first Rule131 declaration establishes a date of conception as early as 6 April 2003, which is prior to the 1 August 2003 filing date of Hersch et al.

The second Rule 131 declaration establishes that diligence was exercised in constructively reducing the invention to practice (that is, filing the application).

Therefore, Hersch et al. should be removed as a '102(e) reference, and the '102 rejections should be withdrawn.

The examiner is respectfully requested to withdraw the rejections of the claims. The examiner is encouraged to contact the undersigned to discuss any issues that might remain.

Respectfully submitted,

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